



UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE


June 14, 2007

MERCK AND CO., INC
P O BOX 2000
RAHWAY, NJ 07065-0907
US

Dear Sir/Madam,

Your refund request for 10584810 in the amount of \$300.00 has been denied .

Already refunded.

Sincerely,

RITA WHITE
PCT - National
703 308-9140 x231

10/584,810
08 May 07

2007 MAY -8 PM 4: 59

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	Graham et al.	
Serial No.:	10/584,810	Case No.: 21471P
Filed:	June 28, 2006	
For:	HCV RNA-DEPENDENT RNA POLYMERASE	

Authorized Officer:

Mail Stop 16
Director of the U.S. Patent & Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR REFUND

Sir:

Applicants respectfully request a refund of \$300.00 for the Examination and Search fees paid for the above referenced U.S. national phase application. The national phase entry, filed June 28, 2006 was assessed a \$600.00 filing fee to Applicant's Attorney Deposit Account No. 13-2755.

The \$600.00 fee included a \$300.00 basic filing fee, a \$200.00 examination fee and \$100.00 search fee. No search and examination fees are due for an international application meeting the criteria set forth in PCT Article 33(1)-(4). The International Preliminary Examination Report issued July 10, 2006 indicates that all the claims meet the criteria for PCT Article 33 (2)-(4). PCT Article 33(1) refers to the examination in general, thus the claims comply with PCT Article (1)-(4).

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on the date appearing below.

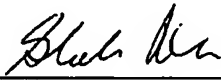
By Quinn Roche Date April 30 2007
MERCK & CO., INC.

USSN: 10/584,810
Case 21471P
Page 2

Enclosed is a copy of the Preliminary Examination Report.

The USPTO is requested to refund the excess amount charged (total \$300.00 – charges of \$100.00 and \$200.00 were charged on 3/19/07 to Dep. Acct. 13-2755).

Respectfully submitted,

By 
Sheldon O. Heber
Reg. No. 38,179
Attorney for Applicant(s)

MERCK & CO., INC.
P.O. Box 2000
Rahway, New Jersey 07065-0907
(732) 594-1958

PATENT COOPERATION TREATY

PCT

JUL 26 2006

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

PAT. REG. COORD.
DOCKET
ATTORNEY *SOH*
MAINTENANCE
CASE REFERENCE CLERK
OTHER

Applicant's or agent's file reference PCT 21471	FOR FURTHER ACTION		See item 4 below
International application No. PCT/US2005/000292	International filing date (day/month/year) 06 January 2005 (06.01.2005)	Priority date (day/month/year) 09 January 2004 (09.01.2004)	
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237			
Applicant MERCK & CO., INC.			

PATENT DEPARTMENT

JUL 21 2006

S.O. HEBER

<p>1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 bis.1(a).</p> <p>2. This REPORT consists of a total of 4 sheets, including this cover sheet.</p> <p>In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.</p>																	
<p>3. This report contains indications relating to the following items:</p> <table border="0"> <tr> <td><input checked="" type="checkbox"/> Box No. I</td> <td>Basis of the report</td> </tr> <tr> <td><input type="checkbox"/> Box No. II</td> <td>Priority</td> </tr> <tr> <td><input type="checkbox"/> Box No. III</td> <td>Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td> </tr> <tr> <td><input type="checkbox"/> Box No. IV</td> <td>Lack of unity of invention</td> </tr> <tr> <td><input checked="" type="checkbox"/> Box No. V</td> <td>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td> </tr> <tr> <td><input type="checkbox"/> Box No. VI</td> <td>Certain documents cited</td> </tr> <tr> <td><input type="checkbox"/> Box No. VII</td> <td>Certain defects in the international application</td> </tr> <tr> <td><input type="checkbox"/> Box No. VIII</td> <td>Certain observations on the international application</td> </tr> </table>		<input checked="" type="checkbox"/> Box No. I	Basis of the report	<input type="checkbox"/> Box No. II	Priority	<input type="checkbox"/> Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability	<input type="checkbox"/> Box No. IV	Lack of unity of invention	<input checked="" type="checkbox"/> Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	<input type="checkbox"/> Box No. VI	Certain documents cited	<input type="checkbox"/> Box No. VII	Certain defects in the international application	<input type="checkbox"/> Box No. VIII	Certain observations on the international application
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<input type="checkbox"/> Box No. VIII	Certain observations on the international application																
<p>4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis .2).</p>																	

<p>The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland</p> <p>Facsimile No. +41 22 338 82 70</p>	<p>Date of issuance of this report 10 July 2006 (10.07.2006)</p>
	<p>Authorized officer Athina Nickitas-Etienne</p> <p>e-mail: pt04@wipo.int</p>

Form PCT/IB/373 (January 2004)

cc: BAC ✓

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:
MERCK & CO., INC.
126 EAST LINCOLN AVENUE
RAHWAY, NJ 07065-0907

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Applicant's or agent's file reference PCT 21471		Date of mailing (day/month/year) 15 JUL 2005
International application No. PCT/US05/00292		FOR FURTHER ACTION See paragraph 2 below
International filing date (day/month/year) 06 January 2005 (06.01.2005)	Priority date (day/month/year) 09 January 2004 (09.01.2004)	
International Patent Classification (IPC) or both national classification and IPC IPC(7): C07K 14/00, 14/02; C07H 21/00, 21/04; C12Q 1/00, 1/70; C12N 9/00 and US Cl.: 530/350; 536/23.2, 23.72; 435/4, 5, 183		
Applicant MERCK & CO., INC.		

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/US Mail Stop PCT, Attn: ISA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (703) 305-3230	Authorized officer  Zachariah Lucas Telephone No. 571-272-1600
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Form PCT/ISA/237 (cover sheet) (January 2004)

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/US05/00292

Box No. 1 Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
☐ This opinion has been established on the basis of a translation from the original language into the following language _____ which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material
☒ a sequence listing
☐ table(s) related to the sequence listing
 - b. format of material
☒ in written format
☒ in computer readable form
 - c. time of filing/furnishing
☒ contained in international application as filed.
☒ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/US05/00292

Box No. V Reasoned statement under Rule 43 *bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)

Claims 1-17 YES

Claims NONE NO

Inventive step (IS)

Claims 1-17 YES

Claims NONE NO

Industrial applicability (IA)

Claims 1-17 YES

Claims NONE NO

2. Citations and explanations:

Claims 1-17 meet the criteria set out in PCT Article 33(2)-(3), because the prior art does not teach or fairly suggest polypeptides of SEQ ID NOs: 1-5, polynucleotides encoding such, or the use of such in methods for the identification of HCV RNA-polymerase inhibitors.

Claims 1-17 meet the criteria set out in PCT Article 33(4), and thus have industrial applicability because the subject matter claimed can be made or used in industry.